

REMARKS

As a preliminary matter, in the Office Action of May 12, 2003, the Examiner requested that Applicants provide updated information for the related cases listed on pages 2 and 3 of the specification. By this Amendment, Applicants have provided the requested information.

In the Office Action, the Examiner maintained his rejections of claims 1-24 as unpatentable under 35 U.S.C. § 103(a). In particular, the Examiner rejected claims 1-2, 4, 7-9, 11, 14-15, 17-18, 20, 22, and 24 as unpatentable over Teraoka et al., "A Network Architecture Providing Host Migration Transparency" in view of Short et al., U.S. Patent No. 6,130,892. Claims 3 and 10 were rejected as unpatentable over Teraoka et al. and Short et al. in further view of Forman et al., "The Challenges of Mobile Computing." Claims 5 and 12 were rejected as unpatentable over Francis et al., U.S. Patent No. 5,331,637, in view of Teraoka et al. and Short et al. Claims 6, 13, 16, 19, and 23 were rejected as unpatentable over Teraoka et al. and Short et al. in further view of V-One Corporation, "V-One's Smartgate VPN." Finally, claim 21 was rejected as unpatentable over Teraoka et al..

The § 103(a) rejections of claims 1-24 are traversed because a *prima facie* case of obviousness has not been made. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8<sup>th</sup> ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a

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manner resulting in the claimed invention. Id. at § 2143.01. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. Id. at § 2143.02. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." Id. at § 2143.

Independent claims 1, 8, 15, 18, 21, and 22 have been amended to recite a separate update packet containing a new address of a destination node that is sent from the destination node to a source node. In response to receiving the update packet, the source node stores the new address of the destination node. For at least the reasons given below, neither of these claim elements is taught or suggested by the cited references, taken alone or combined. Therefore, the § 103(a) rejections of claims 1, 8, 15, 18, 21, and 22, and the claims that depend therefrom, should be withdrawn.

Teraoka et al., used to reject all of the claims, discloses a system including a host that has two addresses - a virtual address and a physical address. Teraoka et al., p. 212, col. 1, ll. 21-25. A host's virtual address does not change even though the host may change physical addresses. Id., p. 212, col. 1, ll. 25-30. To permit this host movement, the system of Teraoka et al. provides address mapping between a host's virtual address and physical address. Id., p. 213, col. 1, ll. 45-56. A sender that does not know the host's physical address may send a message to the host's virtual address, and a router receives the message, translates the virtual address into its corresponding physical address, and sends the message to the host at the physical address. Id., p. 213, col. 1, ll. 16-25. If the host responds with a message to the sender, then the sender may obtain the host's physical address from the message and thereafter sends messages to the physical address of the host. Id., p. 213, col. 1, ll. 33-36.

The Examiner rejected claims 1-2, 4, 7-9, 11, 14-15, 17-18, 20, 22, and 24 as unpatentable over Teraoka et al., in view of Short et al., U.S. Patent No. 6,130,892. However, the teachings of Teraoka et al. and Short et al., taken alone or together, fail to disclose or suggest several elements recited in amended claims 1-2, 4, 7-9, 11, 14-15, 17-18, 20, 22, and 24.

For example, amended claim 1 recites updating an address of a destination node by sending an update packet containing a new address of the destination node from the destination node to the source node and storing, by the source node, the new address of the destination node, responsive to receiving the update packet. In contrast, in Teraoka et al., "the sender learns the PN-address [physical address] of the migrating host when it receives a reply from that host. Then, it can send packets directly to the migrating host." Teraoka et al., p. 213, col. 1, ll. 33-36. Indeed, the Examiner relies on these two sentences for teaching at least four different elements of the original claims: (1) updating the address responsive to a change in the address of the destination node (5/12/03 Office Action, p. 3, ll. 1-3); (2) sending a second packet by the source node to the destination node by using the new address (5/12/03 Office Action, p. 3, l. 3); (3) sending the update packet from the destination node to the source node (5/12/03 Office Action, p. 4, l. 3); and (4) storing, by the source node, the new address of the destination node (5/12/03 Office Action, p. 4, l. 4). However, neither the cited passage nor any other part of the reference teaches or suggests **a separate update packet that is sent responsive to a change in the destination node's address or storing the new address in response to receiving the update packet**, as recited in amended claim 1.

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Still further, claim 1 recites updating the address responsive to a change in the address of the destination node to the new address. In contrast, in Teraoka et al., when a sender receives a message from a host, the sender learns the host's physical address corresponding to the host's virtual address, which the sender already knew. Teraoka et al., p. 213, col. 1, ll. 33-36. If this "updating" is in response to anything, it is responsive to receiving a message from the host, not a change in the address of the destination node to a new address, as recited in claim 1.

Short et al. does not correct any of the deficiencies of Teraoka et al. described above. Short et al. discloses a portable router for connecting to a network and is cited only for the teaching that routers can be implemented in software and/or hardware. Short et al., col. 2, ll. 29-30. Because neither Teraoka et al. nor Short et al., taken alone or combined, teaches or suggests several elements recited in claim 1, the claim is not obvious over the references and the rejection of claim 1 should be withdrawn.

Independent claims 8, 15, 18, and 22 contain similar recitations to claim 1 and are allowable over Teraoka et al. and Short et al. at least for the reasons given above with regard to claim 1. Dependent claims 2, 4, and 7 depend from claim 1. Dependent claims 9, 11, and 14 depend from claim 8. Claim 17 depends from claim 15. Claim 20 depends from claim 18. Finally, claim 24 depends from claim 22. At least because of their dependence on nonobvious claims 1, 8, 15, 18, and 22, dependent claims 2, 4, 7, 9, 11, 14, 17, 20, and 24 are nonobvious. Therefore, Applicants request the withdrawal of the rejections of claims 1-2, 4, 7-9, 11, 14-15, 17-18, 20, 22, and 24.

Claims 3 and 10 depend from claims 1 and 8 respectively and were rejected as unpatentable over Teraoka et al. and Short et al. in further view of Forman et al., "The

Challenges of Mobile Computing." At least because of their dependence on nonobvious claims 1 and 8, dependent claims 3 and 10 are nonobvious. Furthermore, Forman et al. does not cure the deficiencies in Teraoka et al. and Short et al. described above. For example, Forman et al. does not teach or suggest, among other things, updating an accessed address to reflect a new address responsive to a change in the address of the destination node to the new address, as recited in claims 3 and 10 by virtue of their dependence on claims 1 and 8 respectively. Therefore, Applicants request the withdrawal of the rejections of 3 and 10.

Claims 5 and 12 depend from claims 1 and 8 respectively and were rejected as unpatentable over Francis et al., U.S. Patent No. 5,331,637, in view of Teraoka et al. and Short et al. At least because of their dependence on nonobvious claims 1 and 8, dependent claims 5 and 12 are nonobvious. Furthermore, Francis et al. does not cure the deficiencies in Teraoka et al. and Short et al. described above. For example, Francis et al. does not teach or suggest, among other things, updating an accessed address to reflect a new address responsive to a change in the address of the destination node to the new address, as recited in claims 5 and 12 by virtue of their dependence on claims 1 and 8 respectively. Therefore, Applicants request the withdrawal of the rejections of 5 and 12.

Claims 6, 13, 16, 19, and 23 depend from claims 1, 8, 15, 18, and 22 respectively and were rejected as unpatentable over Teraoka et al. and Short et al. in further view of V-One Corporation, "V-One's Smartgate VPN." At least because of their dependence on nonobvious claims 1, 8, 15, 18, and 22, dependent claims 6, 13, 16, 19, and 23 are nonobvious. Furthermore, "V-One Corporation" does not cure the deficiencies in

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Teraoka et al. and Short et al. described above. For example, "V-One Corporation" does not teach or suggest, among other things, updating an accessed address to reflect a new address responsive to a change in the address of the destination node to the new address, as recited in claims 6, 13, 16, 19, and 23 by virtue of their dependence on claims 1, 8, 15, 18, and 22 respectively. Therefore, Applicants request the withdrawal of the rejections of claim 6, 13, 16, 19, and 23.

Claim 21 was rejected as unpatentable over Teraoka et al. However, claim 21 contains similar recitations to claim 1 and is allowable over Teraoka et al. at least for the reasons given above with regard to claim 1. Therefore, Applicants request the withdrawal of the rejection of claim 21.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-24 in condition for allowance. Applicants submit that the proposed amendments of claims 1-2, 4-5, 8-9, 11-12, 15, 18, and 21-22 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance.

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Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By:

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